

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RUDY STANKO,)	8:06CV290
)	
Plaintiff,)	MEMORANDUM
v.)	AND ORDER
)	
UNKNOWN PATTON, et al.,)	
)	
Defendants.)	

This matter is before the court on nine filings, which will be taken up in chronological order.

Filing 48

Filing 48 is a motion filed by the defendants requesting an extension of time, until September 11, 2007, to respond to the plaintiff's discovery requests. Because it appears that the responses were timely served on August 8, 2007 (filing 50), the motion will be denied without prejudice, as moot.

Filing 57

Filing 57 is a motion for summary judgment filed by the defendant Unknown Heatley (Chaplain John Heatley). The motion will be denied because no supporting brief was filed as required by our local rules. *See* NECivR 7.1(a)(1)(A) and 56.1(a).

Filing 66

Filing 66 is a motion for judgment on the pleadings filed by the defendants John Does 1x through 6x, Barbra Glaser, and Unknown Patton (Robert Patton). The motion will be denied for the reasons stated by the Eighth Circuit in ruling that the

complaint is not frivolous. (Filing 10.) Also, the plaintiff has responded to the motion by requesting leave to file an amended complaint

Filing 71

Filing 71 is a motion filed by the plaintiff requesting leave to file an amended complaint. The motion was filed before the deadline established by the court for amendment of pleadings (see filing 31), and a signed copy of the amended complaint is attached to the motion. The court finds that the amendment should be permitted pursuant to Federal Rule of Civil Procedure 15(a). The motion will be granted *instanter*; that is, the plaintiff need not refile the amended complaint. The clerk of the court will be directed to re-file the amended complaint, and send the plaintiff 2 new summons and 285 forms for completion and return. Upon receipt of the completed forms they will be forwarded to the United States Marshal for service.

Filing 74

Filing 74 is a motion filed by the plaintiff requesting that the court “admit the attached administrative complaints as evidence.” The motion will be denied.

Filing 76

Filing 76 is an “objection” filed by the defendants John Does 1x through 6x, Barbra Glaser, and Unknown Patton to the plaintiff’s motion for leave to file an amended complaint (filing 71). It will be ordered stricken as an improper filing. *See* NECivR 7.1(b)(1)(A).

Filing 78

Filing 78 is a motion filed by the plaintiff requesting a free copy of the local rules. The motion will be denied. Incidentally, the local rules can be accessed free of charge on our web site.

Filing 79

Filing 79 is an “objection” filed by the defendants John Does 1x through 6x, Barbra Glaser, and Unknown Patton to the plaintiff’s motion for admission of evidence (filing 74). It will be ordered stricken as an improper filing. *See* NECivR 7.1(b)(1)(A).

Filing 81

Filing 81 is an “objection” filed by the defendant Unknown Healey to the plaintiff’s motion for leave to file an amended complaint (filing 71). It will be ordered stricken as an improper filing. *See* NECivR 7.1(b)(1)(A).

Accordingly,

IT IS ORDERED that:

1. Filing 48, Defendants’ motion for an extension of time, is denied without prejudice, as moot.
2. Filing 57, Defendant Heatley’s motion for summary judgment, is denied.
3. Filing 66, Defendants’ motion for judgment on the pleadings, is denied.
4. Filing 71, Plaintiff’s motion for leave to file an amended complaint, is granted *instantly*. The clerk is directed to take the signed copy of the amended complaint attached to filing 71, and re-docket it as a Amended

Complaint in the ECF system. The clerk is then directed to send the plaintiff 2 summons and 285 forms for his completion and return. Upon receipt of the completed summons and 285 forms the clerk shall forward the same to the United States Marshal for service.

5. Filing 74, Plaintiff's motion for admission of evidence, is denied.
6. Filings 76, 79, and 81, Defendants' "objections" to Plaintiff's motions, are stricken as improper filings.
7. Filing 78, Plaintiff's motion for a free copy of the local rules, is denied.
8. On the court's own motion, the progression schedule (filing 31) is amended at paragraph 5 to provide that all motions for summary judgment or partial summary judgment shall be filed by March 17, 2008.
9. The clerk of the court is directed to establish a pro se case management deadline in this case using the following text: "March 17, 2008: summary judgment deadline."

December 20, 2007

BY THE COURT:

s/ Richard G. Kopf
United States District Judge